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|---|-------------|----------------------|-----------------------|------------------|
| 10/635,587  | 08/06/2003  | David Louis kaminsky | RSW920030115US1 (108) | 1392             |
| 46320 7590 06/16/2008<br>CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP<br>STEVEN M. GREENBERG<br>950 PENINSULA CORPORATE CIRCLE<br>SUITE 3020<br>BOCA RATON, FL 33487 |             |                      |                       |                  |
| EXAMINER  |             |                      |                       |                  |
| NAJEE-ULLAH, TARIQ S  |             |                      |                       |                  |
| ART UNIT  |             | PAPER NUMBER         |                       |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/635,587

**Applicant(s)**

KAMINSKY ET AL.

**Examiner**

TARIQ S. NAJEE-ULLAH

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. This Office action has been issued in response to Applicant's Amendment filed March 5, 2008. Claims 1-20 are pending in the case. No amendments to the claims have been made.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,167,445 to Gai et al ('Gai' hereinafter) in view of US Patent Number 5,557,747 to Rogers et al (Rogers hereinafter).

Regarding claim 1, Gai discloses **a workflow component configured for communicative linkage to a plurality of policy makers** (Gai, fig. 4, 410, i.e. policy maker), **said workflow component comprising a further configuration for routing stimuli and response data from said system under study to a selected one of said**

**policy makers** (Gai, Abstract, see also col. 5, line 64-col. 6, line 2; Gai discloses a computer network, i.e. systems under study, having multiple, dissimilar network devices includes a system for implementing high-level, network policies. The high-level policies, i.e. stimuli and response, which are generally device-independent, are translated by one or more policy servers, i.e. policy makers, into a set of rules that can be put into effect by specific network devices.); **and, a policy generation component** (Gai, fig. 4, 414) **coupled to said workflow component and configured to generate an administrative policy for administering said system under study based upon data collected from said selected one of said policy makers for said stimuli and response data** (Gai, Abstract, see also col. 6, lines 12-17; Gai further discloses policy server with a policy making component, i.e. policy maker, that translates the high-level policies inherent in the selected traffic template and location-specific policies into a set of rules, which may include one or more access control lists, and may combine several related rules into a single transaction.). Rogers discloses **a systems administration component** (Rogers, col. 2, lines 6-9, i.e. systems administration component) **coupled to a system under study** (Rogers, col. 2, lines 10-14). Rogers discloses **stimuli** (Rogers col. 2, lines 17-18; *changing network states as signaled by events monitored within the network*, i.e. stimuli) **and response data** (Rogers col. 2, lines 15-17; *execution of the computer network programs in response to the aforementioned stimuli*) **from said system under study** (Rogers, col. 2, lines 10-14).

Gai and Rogers are analogous art because they are from the same field of endeavor of computer networks and policy. At the time of the invention, it would have

been obvious to a person of ordinary skill in the art to use Roger's elements with Gai's system. The suggestion/motivation would be to provide a mechanism for automating the network administration process (Rogers, col. 2, lines 6-9).

Regarding claim 2, Gai discloses the invention substantially as described in claim 1 above including. Rogers discloses **a data store of stimuli and responses in said system under study** (Rogers, Col. 2, lines 24-31; a set of instructions defining responses to stimuli are stored in a policy editor). Gai and Rogers are analogous art because they are from the same field of endeavor of computer networks and policy. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Roger's elements with Gai's system. The suggestion/motivation would be to provide a mechanism for automating the network administration process (Rogers, col. 2, lines 6-9).

Regarding claims 3 and 12, Gai discloses **detecting a stimuli in a system under study and monitoring a response by a systems administrator to said stimuli** (Gai, Col. 9, lines 51-55; Gai discloses the present invention provides a method and apparatus for allowing network administrators, i.e. systems administrators, to apply high-level traffic management policies that attempt to impose such a uniform plan, despite the presence of dissimilar intermediate devices in their networks. Col. 12, lines 1-5; The traffic types for a given template are preferably derived from empirical studies and analysis of the computer network operations and usages of such industries and organizations.); **forwarding said stimuli and said response to a policy maker suited to analyze said stimuli and said response** (Gai, Col. 9, lines 55-57; Gai discloses the

traffic management policies, moreover, may be automatically propagated to and implemented by the various intermediate devices.); **querying said policy maker for a preferred response to said stimuli** (Gai, Col. 7, lines 10-19; Gai discloses in the preferred embodiment, the policy servers and intermediate devices utilize an extension to the Common Open Policy Service (COPS) protocol to exchange messages. More specifically, an intermediate device sends a Query Configuration message to, i.e. queries, the policy server that contains specific information about itself, such as the number and type of interfaces, whether the device is at a boundary of the intermediate domain and/or whether its interfaces are coupled to trusted or un-trusted devices.); **and, formulating a policy for responding to said stimuli based upon said preferred response** (Gai, Col. 7, lines 21-24; Gai discloses the policy server selects a particular set of transactions or rules, i.e. formulates a policy, responsive to the device-specific information and provides them to the intermediate device.). Rogers discloses **monitoring a response by a systems administrator to said stimuli** (Rogers, col. 2, lines 32-34; network monitoring means). Rogers discloses **forwarding said stimuli and said response to a policy maker suited to analyze said stimuli and said response** Rogers, col. 2, lines 24-31; a set of instructions defining responses to stimuli are stored in a policy editor. Rogers discloses **querying said policy maker for a preferred response to said stimuli** (Rogers, col. 2, lines 35-38, an action engine which supplies the predefined responses to the stimuli). Rogers discloses **formulating a policy for responding to said stimuli based upon said preferred response** (Rogers, col. 2, lines 38-49, policy interpreter interaction with action engine).

Gai and Rogers are analogous art because they are from the same field of endeavor of computer networks and policy. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Roger's elements with Gai's system. The suggestion/motivation would be to provide a mechanism for automating the network administration process (Rogers, col. 2, lines 6-9).

Regarding claims 4 and 13, Gai discloses the invention substantially as described in claims 3 and 12 above including, **the step of enforcing said policy in managing said system under study** (Gai, Col. 4, lines 62-64).

Regarding claims 5 and 14, Gai discloses the invention substantially as described in claims 3 and 12 above including, **the step of forwarding said policy to said systems administrator** (Gai, Col. 12, lines 6-11).

Regarding claims 6 and 15, Gai discloses the invention substantially as described in claims 3 and 12 above including, **the step of storing said stimuli and response in a data store for subsequent analysis** (Gai, Fig. 4; Col. 14, line 57-62).

Regarding claims 7 and 16, Gai discloses the invention substantially as described in claims 3 and 12 above including, **monitoring the performance of said system under study in respect to said policy** (Gai, Col. 12, lines 6-11); and, **reporting said monitored performance to at least one of said systems administrator and said policy maker** (Gai, Col. 12, lines 6-11).

Regarding claims 8 and 17, Gai discloses the invention substantially as described in claims 3 and 12 above including, **identifying a policy maker among a plurality of policy makers, said identified policy maker having an association with**

**at least one of said system under study, said stimuli and said response** (Gai col. 5, line 64-col. 6, line 2); **and, routing said stimuli and response to said identified policy maker** (Gai, col. 6, lines 12-17).

Regarding claims 9 and 18, Gai discloses the invention substantially as described in claims 3 and 12 above including, **identifying a policy maker among a plurality of policy makers** (Gai, col. 5, line 64-col. 6, line 2), **said identified policy maker having knowledge of another policy maker among said plurality of policy makers** (Gai, col. 5, line 64-col. 6, line 2), **said another policy maker having an association with at least one of said system under study** (Gai, col. 5, line 64-col. 6, line 2), **said stimuli and said response** (Gai, col. 5, line 66); **and, routing said stimuli and response to said identified policy maker, said identified policy maker further routing said stimuli and response to said another policy maker** (Gai, col. 6, lines 12-17).

Regarding claims 10 and 19, Gai discloses the invention substantially as described in claims 3 and 12 above including, **querying step further comprises the step of querying said policy maker for at least one of an identity of a related stimuli, an identity of a related response, and an identity of a related system to which said policy can apply** (Gai, Col. 7, lines 10-19).

Regarding claims 11 and 20, Gai discloses the invention substantially as described in claims 10 and 19 above including, **formulating said policy additionally based upon said at least one of said identity of said related stimuli, said identity**



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**of said related response, and said identity of said related system to which said policy can apply** (Gai, Col. 7, lines 21-24).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (US 4,979,118 to Kheradpir; US 6,170,015 to Lavian; US 2001/0044841).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is (571)270-5013. The examiner can normally be reached on Monday through Friday 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. N.

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146